

Amendment No. 1 to SB0520

Beavers
Signature of Sponsor

AMEND Senate Bill No. 520*

House Bill No. 1701

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 38-1-107.

(a) It is an offense for a person to fail to immediately report the commission of a criminal offense involving physical contact against a child less than thirteen (13) years of age that is likely to result in serious bodily injury or death or nonconsensual sexual contact committed against a child less than thirteen (13) years of age to an appropriate law enforcement officer or agency if:

(1) The person observed the commission of the offense or otherwise had actual knowledge of the commission of the offense;

(2) The person's knowledge of the offense was under circumstances in which a reasonable person would believe the victim was less than thirteen (13) years of age and the offense involved physical contact likely to result in serious bodily injury or death or nonconsensual sexual contact; and

(3) A reasonable person would believe that the commission of the offense had not been reported; and

(4) The person could immediately report the commission of the offense without placing such person or another in danger of suffering serious bodily injury or death.

(b) It is a defense to a violation of this section that the person made reasonable efforts to notify an appropriate law enforcement officer or agency but failed to do so or a law enforcement officer or agency failed to act upon the notification.

(c) A person who in good faith reports the commission of a criminal offense pursuant to this section shall not be liable to the person or persons alleged to have committed the offense or any alleged victim of the offense for any civil damages as a result of the act of such person in reporting the offense as required by this section, or as a result of any act or failure to act to also provide or arrange for medical treatment or care for the injured person, except such damages as may result from the gross negligence of such person.

(d) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.